

REMARKS

Reconsideration and further examination of the above-identified application are respectfully requested in view of the current amendments, and the discussion that follows. Claims 1-30 are pending in this application. Claims 1-17 and 19-30 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Eilbacker et al. (U.S. Pat. No. 6,724,887) in view of Ulrich (U.S. Pat. No. 6,865,438). Claim 18 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Eilbacker in view of Ulrich and further in view of Ichbiah (U.S. Patent No. 5,623,4). Claim 18 has been objected to as unclear. Claims 1, 4, 6, 11, 13, and 25 have been amended for clarification. After a careful review of the claims and references, it is believed that the claims are in allowable form and a Notice of Allowance is respectfully requested.

Claim 18 has been amended to replace "it" with "the transmission" as suggested by the Examiner.

Independent claims 1, 13 and 25, as well as dependent claims 2-12, 14-17, 19-24, and 26-30 have been rejected as obvious over by Eilbacker and Ulrich. Eilbacker is directed to a call center which records and analyzes parameters of telephone calls to determine the customer experience. Eilbacker, however, is focused upon telephone calls and while allowing for email messages, etc., Eilbacker does not deal with the effective effort of data communications. As described in the application at p. 10, merely measuring time of use of the channel for telephone calls is known but asynchronous transactions are dramatically different because of the nature of the transaction. As defined by applicant (in the second paragraph of p 10) asynchronous transactions are data transactions that are for the most part intermittent and in which the data is created first and then transmitted afterward. Thus, it is difficult to determine how long the transaction actually required because the transaction may include exchanges over hours or days while the actual transactions (which may be the result of much effort in, for example, drafting an email) take only very short periods of time (e.g., milliseconds) with long delays in between. Eilbacker does not recognize or address this issue at all. Ichbiah concerns a system for fast entry of text into a computer and is therefore unrelated to the claimed invention.

Independent claims 1, 13, and 25 claim an effort value which reflects effective effort to respond to each transmission (see, e.g., p. 12, second paragraph). The Office Action concedes that Eilbacher does not teach an effort value which reflects effort associated with each


transmission but argues that Ulrich discloses assigning an effort value which represents effective effort associated with each e-mail transmission within each transaction. Ulrich, however, describes normalizing incoming text messages into a measure of the time to read them based on average reading speeds but not the effort to prepare the response (see e.g. Ulrich col. 8, lines 45-49). The claimed intervention concerns not merely the time to read a message but the entire effort needed to respond to a message which includes reading, evaluating, and preparing a reply such as an e-mail (see e.g. p. 12 and 13).

The Office Action asserts that it would be obvious to modify Eilbacher with Ulrich such that e-mail conversations are to be processed like phone conversations and additionally analyzed as in Ulrich and that an effort value is recorded. However, Ulrich does not disclose or suggest an effort value that represents effective effort to respond. As described above, the duration of a responsive asynchronous transmission has no relationship to the effective effort put into them because each transmission, which requires substantial effort to prepare (e.g. read prior messages, analysis, compose response, etc.), is very short (e.g. milliseconds). Thus, the effort value is not merely a matter of counting words to measure reading time, but instead reflects the entire effective effort put into the transmission. Since the claimed effort value is unrelated to the reading time of Ulrich, then Ulrich does not teach or suggest this feature. Since this feature is neither taught nor suggested by any of the cited references, claims 1, 13 and 25 are believed to be distinguishable over any combination of the cited references. Similarly, claims 2-12, 14-24 and 26-30 are believed to be allowable because they depend from allowable claims 1, 13 and 25.

Dependent claim 19 claims use of the word content to determine whether different transmissions are part of one transaction or different transactions. This feature is also not disclosed by any of the cited references and Fig. 3 of Ulrich merely shows elements of information in a log or file but not use of context to determine transactions. Claim 4 has been clarified to claim the number of exchanges to close a sale (see e.g. p. 9, last paragraph) and Claim 11 has been amended to claim determining and displaying a total effort for completed and ongoing transactions (see e.g. p.13, 2nd paragraph). These features are also not disclosed by the cited references.

As discussed above, claims 1-30 are not anticipated or rendered obvious by any combination of the cited references. Therefore, allowance of claims 1-30 is believed to be in order and such action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,
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